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Louis B. Rosenberg

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PATENT DEPARTMENT (51851)
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EXAMINER

CEGIELNIK, URSZULA M

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/823,943
Filing Date: March 30, 2001
Appellant(s): ROSENBERG, LOUIS B.

Carl Sanders
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 19 October 2009 appealing from the Office action mailed 07 January 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0103025	MURZANSKI ET AL.	8-2002
6,346,025	TACHAU ET AL.	2-2002
4,964,837	COLLIER	10-1990

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45-51, and 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murzanski et al. (US Patent Application Publication No. 2002/0103025) in view Tachau et al. (US Patent No. 6,346,025).

Murzanski et al. disclose a housing (20,90); a manipulandum (user manipulated components such as control buttons 74, multi-directional D-pad 78, thumb stick 80 and Murzanski states that joysticks are well known in the art which resemble throttle controls) disposed within the housing and operable to cause a control signal to be sent to a remotely-controlled device (paragraph 0057, lines 1-10); an actuator (50) coupled to the housing, the actuator operable to output a haptic sensation to at least one of the housing or the manipulandum; a receiver disposed within the housing and operable to receive a sensor signal from a sensor configured to sense a state of the remotely controlled device (it inherent that the remotely controlled device would include a receiver and a sensor disposed on the remotely controlled device as well as a transmitter to enable wireless communication); and a processor (200) disposed within

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the housing in communication with the actuator and the receiver, the processor operable to generate an actuator signal associated with the state of the remotely controlled device, the actuator signal operable to cause the actuator to output the haptic sensation.

Murzanski et al. do not explicitly disclose a receiver with a sensor configured to sense a state of the remotely controlled device and transmitter, the sensors being a plurality of sensors corresponding to a plurality of actuators.

Tachau et al. teach a remotely controlled toy vehicle having a receiver and a sensor disposed therein for providing a signal (sensing the state of the toy vehicle) back to the remote control (col. 9, lines 64-67 through col. 10, lines 1-5), and a plurality of sensors corresponding to a plurality of actuators (col. 18, lines 1-5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a receiver in communication with a sensor and transmitter as taught by Tachau et al., since such a modification would enable wireless communication.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a plurality of sensors with corresponding actuators as taught by Tachau et al., since Murzanski et al., has “sensing” functionality when changes occur in the state of the video output.

However, Murzanski et al. do not show “mechanical sensors”, since Murzanski et al. is a video output device.

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It would have been obvious to provide Murzanski et al. with mechanical sensors as taught by Tachau et al., to use known means for mechanical devices if a video output device is not used..

Claims 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 45 above, and further in view of Collier (US Patent No. 4,964,837).

The modified invention of Murzanski lacks the sensor being a contact sensor, pressure sensor, or an accelerometer.

Collier discloses a remotely controlled car that has a radio communication device having a contact sensor, pressure sensor, and an accelerometer (col. 15, lines 57-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the claimed sensors as taught by Collier, since Collier states at col. 15, lines 65-67, that such a modification would provide detection of various situations encountered by the remotely controlled device.

(10) Response to Argument

In response to Appellant's argument that the combination of Murzanski in view of Tachau does not disclose or suggest "a plurality of actuators coupled to said housing, said plurality of actuators corresponding to a plurality of sensors on said remotely-controlled device and operable to output a haptic sensation to at least one of said housing or said manipulandum", the Examiner notes that the combination does indeed teach the abovementioned claimed limitations. It would have been obvious to one

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having ordinary skill to provide Murzanski with the sensors as taught by Tachau. Murzanski has “sensing” with changes in the state of the video output. However, Murzanski does not show “mechanical sensors” since Murzanski is a video output device. It would have been obvious to provide Murzanski with mechanical sensors as taught by Tachau to use known means for mechanical devices.

In response to applicant's arguments against the references (i.e. Murzanski et al.), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

/Urszula M Cegielnik/

Examiner, Art Unit 3711

Art Unit: 3711

/Gene Kim/

Supervisory Patent Examiner, Art Unit 3711

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3715